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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,933	09/25/2003	James S. Voss	200208344-1	2044

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

KHAN, USMAN A

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,933

Applicant(s)

VOSS ET AL.

Examiner

Usman Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,13-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10,13-15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed on 05/16/2007 with respect to claims 1, 7 – 9, 10, 13 – 15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 9, 10, 13 – 15, and 18 are rejected under 35 U.S.C. 102(e) as being unpatentable over Motono et al. (US patent No. 6,798,448).

Regarding **claim 1**, Motono et al. teaches a method for associating an image with a video file (abstract, figure 1 and column 4 lines 7 *et seq.*, DV recording and image capturing with JPEG conversion), the method comprising: creating a multi-mode image file by capturing sequences of relatively low-resolution images of an observed scene and capturing relatively high-resolution images of the observed scene between the capturing of the sequences of relatively low-resolution images (abstract, figure 1 and column 4 lines 7 *et seq.*, interlaced i.e. low quality images for recording on DV recorder and progressive i.e. high quality for recording of still images); extracting one of the

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relatively high-resolution images from the multi-mode image file (abstract, figure 1 and column 4 lines 7 *et seq.*, progressive files i.e. still images are saved in item 10 after being extracted); identifying **at least one of** a filename **or** a storage location of the multi-mode image file (abstract, figure 1 and column 4 lines 7 *et seq.*, progressive files i.e. still image is extracted from the group of interlaced videos and progressive images); storing the extracted relatively high-resolution image as an independent image (abstract, figure 1 and column 4 lines 7 *et seq.*, progressive files i.e. still images are saved in item 10 after being extracted); and storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (in figure 1 items 7 – 10, the files will be stored as “.JPEG” files).

Regarding **claim 7**, as mentioned above in the discussion of claim 1, Motono et al. teaches all of the limitations of the parent claim. Additionally, Motono et al. teaches a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file (figures 9A-9B progressive mode on or off).

Regarding **claim 9**, as mentioned above in the discussion of claim 7, Motono et al. teaches all of the limitations of the parent claim. Additionally, Motono et al. teaches

adding an association designation comprises adding an indicator to the filename of the separate still image file (in figure 1 items 7 – 10, the files will be stored as “.JPEG” files).

Regarding **claim 10**, Motono et al. teaches a system for associating an image with a video file (abstract, figure 1 and column 4 lines 7 *et seq.*, DV recording and image capturing with JPEG conversion), the system comprising: means for identifying **at least one of** a separate still image file a filename **or** a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted (abstract, figure 1 and column 4 lines 7 *et seq.*, progressive files i.e. still image is extracted from the group of interlaced videos and progressive images), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images (abstract, figure 1 and column 4 lines 7 *et seq.*, interlaced i.e. low quality images for recording on DV recorder and progressive i.e. high quality for recording of still images); and means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (in figure 1 items 7 – 10, the files will be stored as “.JPEG” files).

Regarding **claim 13**, as mentioned above in the discussion of claim 10, Motono et al. teaches all of the limitations of the parent claim. Additionally, Motono et al. teaches means for adding a graphical association designation to the extracted

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relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file (figures 9A-9B progressive mode on or off).

Regarding **claim 14**, as mentioned above in the discussion of claim 13, Motono et al. teaches all of the limitations of the parent claim. Additionally, Motono et al. teaches means for adding an association designation comprise at least one of means for adding an icon that is visible when the image of the separate still image file is viewed and means for adding an indicator to the filename of the separate still image file (in figure 1 items 7 – 10, the files will be stored as “.JPEG” files).

Regarding **claim 15**, Motono et al. teaches a system stored on a computer-readable medium (figure 1 items 4, 5, and 11), the system comprising: logic configured to identify at least one of a filename or a storage location of a multi-mode image file from which a relatively high-resolution image has been extracted (abstract, figure 1 and column 4 lines 7 *et seq.*, progressive files i.e. still image is extracted from the group of interlaced videos and progressive images), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images (abstract, figure 1 and column 4 lines 7 *et seq.*, interlaced i.e. low quality images for recording on DV recorder and progressive i.e. high quality for recording of still images); and logic configured to store an indication of the at

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least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image (in figure 1 items 7 – 10, the files will be stored as ".JPEG" files).

Regarding **claim 18**, as mentioned above in the discussion of claim 15, Motono et al. teaches all of the limitations of the parent claim. Additionally, Motono et al. teaches means for adding logic configured to add an a graphical association designation to the separate still image file extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file (figures 9A-9B progressive mode on or off), the association designation comprising **at least one of** an icon that is visible when the image of the separate still image file is viewed **and** an indicator to the filename of the separate still image file (in figure 1 items 7 – 10, the files will be stored as ".JPEG" files).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motono et al. (US patent No. 6,798,448) in further view of Examiners Official Notice.

Regarding 8, as mentioned above in the discussion of claim 7 Motono et al. teach all of the limitations of the parent claim.

However, Motono et al. fails to teach that an association designation comprises adding an icon that is visible when the image of the separate still image file is viewed.

The examiner takes Official Notice that it is old and well known in the art to it is well known to add icons on images to give additional information of the image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use data viewed on the image indicating that the image is a still image for ease of sorting and ease of viewing and/or printing of required images.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

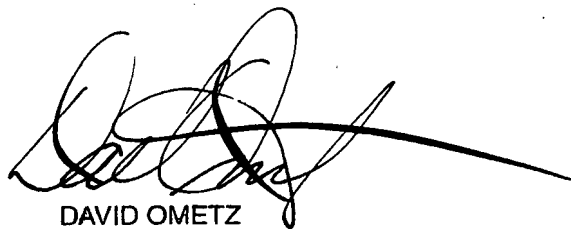
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Usman Khan
7/23/2007
Patent Examiner
Art Unit 2622



DAVID OMETZ
SUPERVISORY PATENT EXAMINER